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ABSTRACT

A form of consultation called staff development or in-service training is the clearest definition of counselor consultation with the judiciary. The role of the counselor educator is uniquely appropriate to meet the needs of judges. The ability to effectively utilize a variety of media is most appealing to judges. The knowledge base of counseling can contribute significantly to the work of judges, particularly juvenile and family court judges. (ABL)

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ERIC DIGEST

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# Consulting With the Judiciary

## A Challenging Opportunity for the Counselor Educator

*Mary Finn Maples*

### Overview

Since 1985, I have had the privilege of serving as a part-time faculty member for the National Council of Juvenile and Family Court Judges, the training organization for the National College of Juvenile Law, both based in Reno, Nevada. Judges from throughout the country come to participate in continuing legal education courses in addition to other topics related to their work on the bench. Included among the students are judges from state supreme courts, county district appeals courts and municipalities, along with juvenile and family courts. In addition, courses have included social workers, probation officers, pediatricians involved in legal issues, juvenile court masters, justices of the peace and others involved in the court system.

The curricula that I have taught to these professionals include training them to be faculty members for the Council, courses related to characteristics of adult learners and principles of instructional design, and the use of multi-media as teaching tools. They, in turn, teach legal education courses back in their own jurisdictions, thereby extending the training and teaching resources of the Council.

### Teaching as a Form of Consulting

Lippitt (1975) suggested that "consultation, like supervision, or love, is a general label for many variations of relationships" (p. 42). Kirby (1985) defines a consultant as "a catalytic agent in that the consultant sets into motion changes between persons and/or among social forces without appreciable changes occurring in the person of the consultant nor in the relationship role of the consultant to the social system" (p. 3). In their education and training model, Hansen, Humes, and Meier (1990) have expanded the definition by stating that "the consultant's role is primarily that of an advisor, educator, or trainer, presenting information or training that the consultees can use to better provide service for their agency or clients. The information generally comes from the consultant's area of expertise and, although it may relate to consultee problems, the consulting is typically not focused on resolution of specific problems. This form of consultation is called staff development or in-service training" (p. 7). This is the clearest definition which describes consultation with the judiciary.

### Consultant Qualifications

The role of the counselor educator is uniquely appropriate to meet the needs of judges. The counselor educator is trained in the areas of interpersonal communications, including non-verbal communication; confronting personal values and attitudes as they impact on professional decision-making; and facilitating clients' abilities to express themselves; encouraging reluctant clients, family systems and stages and tasks in human development. These are specific skills, techniques and areas of knowledge that are overlooked in law school. While the majority of judges have been attorneys, approximately 15-20% have not. In these cases, the counselor educator can be even more valuable to the judiciary.

It is important to note that the consultant to the judiciary must be an expert in the area that he or she is bringing to this audience. Working with judges is not for the faint-hearted or the neophyte. The nature of the judiciary is probing, cognitive, facially unexpressive, insightful yet often unforgiving in the face of ignorance (of subject matter by experts). Members of the judiciary often pose questions that the consultant may not be prepared to answer. While the counselor educator who works with judges need not be a nationally recognized expert, he or she must present credentials that spell out the training and experience that the consultant brings to the process. Establishing one's credibility as a consultant is the most crucial step in effectively working with judges and other court personnel, particularly if the consultant does not have a legal background. The consultant should clarify at the beginning exactly what goals he or she intends to meet throughout the process.

Providing written testimony by earlier clients is often helpful in becoming initially involved as a consultant to the court system, especially if the consultant's clients are known and respected by the judges. I have found that "selling oneself" is probably more important when working with judges than when working with most other groups of professionals or managers in business and industry.

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## Consultation Through Training—Methods

The ability to effectively utilize a variety of media is most appealing to judges. By training and experience, they are familiar with only one teaching method, that overworked method unique to law school—the lecture.

In our work with training judges to be trainers themselves, my colleague, Gordon Zimmerman, and I, allow the judges to use the lecture method in only 20-25% of their teaching assignments. We work with the judges for one week each year. The purpose of this program is to train the judges to serve as faculty for the National Council of Juvenile and Family Court Judges (NCJFCJ), the training component for the National College of Juvenile and Family Law.

In teaching them how to teach, we use demonstrations, small group activities, experiential opportunities, panel discussions, and role-playing experiences, with very little lecturing. Our objectives contain cognitive, attitudinal and behavioral components—as theirs must in their individual projects. Extensive use of the camcorder/VCR, overhead projector, flip charts, chalk boards, slide projectors and laser printers on word processors are also incorporated.

## Consulting With the Judiciary—a Recent Example

In 1990, Merry Hofford, Director of the Family Violence Project for the National Council of Juvenile and Family Court Judges submitted a unique project proposal to the States Justice Institute, a funding agency for judicial education. The project was entitled "The Crucial Nature of Values and Attitudes in Judicial Decision-Making." Dr. Gordon Zimmerman, a colleague in the Department of Speech Communication at UNR, and I, were contracted to conduct two invitational 3-day training sessions designed to help judges at all levels to acknowledge their own personal values and attitudes to the extent that these values and attitudes impact on their decisions from the bench. Additionally, I was contracted to write a curriculum guide to facilitate the ability of the judges to teach this workshop in other areas of the country. Through the utilization of all of the methods and media mentioned earlier in this digest, the judges were to present a brief program to other participants which incorporated cognitive, attitudinal and behavioral objectives and would demonstrate particularly the attitudinal aspect in dealing with judges' values. In the evaluation of the workshop, the participants made only two suggestions: (1) that the workshop should have been extended to a full week as 3 days was not long enough; and (2) that the objective that stated "judges will be able to 'acknowledge the impact' of values and attitudes in their decision-making should be changed to "confront the impact," in order to strengthen that objective. Since that time, several of the judge participants have replicated this workshop in their own and other jurisdictions.

## Conclusion

In one of the most recent texts on consulting (Hansen et al., 1990) the authors write of consulting in business and industry, in medical settings, with groups and with families. A group overlooked is the judiciary, yet the opportunities and challenges available to counselor educators are limitless. The training and experience of counselor educators is highly respected by the judiciary. The knowledge base of counseling can contribute significantly to the work of judges, particularly juvenile and family court judges. I have worked since 1985 in a variety of areas requested as needed by the National Council of Juvenile and Family Court Judges. It is a service that is needed throughout the country, yet the resources within the ranks of experienced counselor educators are as yet largely untapped.

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